

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

JAMES RANDY SCHOONOVER, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:24-cv-00744

FAMILY DOLLAR STORES INC.,

Defendant.

**ORDER**

Pending before the Court is Defendant's motion to dismiss. (ECF No. 4.) By Standing Order entered in this case on December 31, 2024, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 3.) Magistrate Judge Tinsley filed his PF&R on March 7, 2025, recommending that this Court grant the motion and dismiss this case for failure to state a claim for relief and for failure to prosecute. (ECF No. 9.)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not direct the Court to

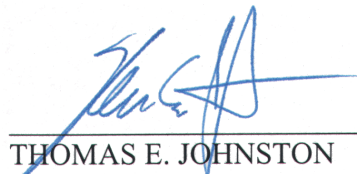
a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R were due on March 24, 2025. (ECF No. 9.) To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (*id.*), **GRANTS** Defendant's motion to dismiss, (ECF No. 4), and **DISMISSES** this action **WITH PREJUDICE** for failure to state a claim for relief pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Court Further **DIRECTS** the Clerk to remove this matter from the Court's docket.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 18, 2025



---

THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE